

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of:

Application Serial No.: 76-086,601

Applicant: Britesmile, Inc.

Trademark: BRITESMILE ASSOCIATED TEETH WHITENING CENTER

Official Gazette: October 8, 2002, TM 749

Filing Date: July 11, 2000

REQUEST FOR AN ADDITIONAL 30-DAY EXTENSION OF TIME  
TO FILE NOTICE OF OPPOSITION

To The Commissioner for Trademarks  
ATTN: BOX TTAB  
2900 Crystal Drive  
Arlington, VA 22202-3513

Dear Commissioner:

On behalf of Dennis C. Simmons, D.D.S., d/b/a Brite Smiles Dental Care, it is respectfully requested that a thirty (30)-day extension of time, up to and including February 5, 2003, be granted within which to oppose the above-identified application.

GOOD CAUSE:

Potential Opposer is continuing to evaluate and investigate the matter in an attempt to gain sufficient facts to properly decide whether or not to oppose this application. The additional time is needed because insufficient time has yet elapsed to complete this process.

It is noted that this request will not extend the period for filing an opposition beyond 120 days from publication. This request for extension is not being made for the purpose of mere delay of the proceedings, and favorable consideration of the request is solicited.

FEB-28-03

08:13AM

FROM-Merchant & Gould 1

6123329081

T-832

P.011/013

F-882

By its Attorneys,

Date:

1/6/03



Daniel W. McDonald

Thomas J. Leach

MERCHANT & GOULD P.C.

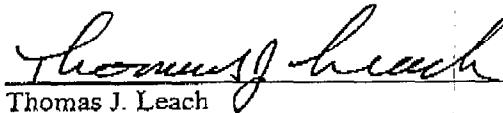
P.O. Box 2910

Minneapolis, MN 55402-0910

612.332.5300

CERTIFICATE OF MAILING

I hereby certify that this REQUEST FOR A 30-DAY EXTENSION OF TIME TO FILE NOTICE OF OPPOSITION regarding Application Serial No. 76-086,601, filed July 11, 2000 is being deposited with the United States Postal Service as First Class, in an envelope addressed to Commissioner for Trademarks, Attn: T.T.A.B., 2900 Crystal Drive, Arlington, VA 22202-3513 on this 6th day of January, 2003.



Thomas J. Leach

Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office:

Dennis C. Simmons, D.D.S., P.A. d/b/a,  
BRITE SMILES DENTAL CARE,

Opposer,

v.

BRITESMILE, Inc.

Applicant

Opposition No. \_\_\_\_\_

Mark: BRITESMILE ASSOCIATED TEETH WHITENING CENTER

Serial No.: 76-086,601

Docket Number: 13910.1USTC

Official Gazette: October 8, 2002, TM 749

Due Date: January 6, 2003

Filing Date: July 11, 2000

- ☒ Return postcard,  
☒ Transmittal Sheet in duplicate containing Certificate Under 37 C.F.R.  
☒ 30-Day Request for Extension of Time for Filing Notice of Opposition (Original and 2 Copies).

Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office:

Dennis C. Simmons, D.D.S., P.A. d/b/a,  
BRITE SMILES DENTAL CARE,

Opposer,

v.

BRITESMILE, Inc.

Applicant

Opposition No. \_\_\_\_\_

Mark: BRITESMILE ASSOCIATED TEETH WHITENING CENTER

Serial No.: 76-086,601

Docket Number: 13910.1USTC

Official Gazette: October 8, 2002, TM 749

- ☒ Return postcard,  
☒ Transmittal Sheet in duplicate containing C  
☒ 30-Day Request for Extension of Time for

01-09-2003

U.S. Patent & TMO/TM Mail Rpt Dt. #30

Trademark

FEB-28-03

08:14AM

FROM-Merchant &amp; Gould 1

6123329081

T-632

P.012/013 F-882

# Merchant & Gould

An Intellectual Property Law Firm

P.O. Box 2910  
Minneapolis, Minnesota  
55402-0910  
TEL 612.332.5300  
FAX 612.332.9081  
www.merchant-gould.com

Direct Contact

(612) 336.4665  
tleach@merchant-gould.com

A Professional Corporation

Dennis C. Simmons, D.D.S., P.A. d/b/a,  
BRITE SMILES DENTAL CARE,

Opposer,

) Opposition No. \_\_\_\_\_

v.

Britesmile, Inc.

Applicant

Mark: BATESMILE ASSOCIATED TEETH WHITENING CENTER

Serial No.: 76-086,601

Docket Number: 13910.1USTC

Due Date: January 6, 2003

Official Gazette: October 8, 2002, TM 749

Filing Date: July 11, 2000

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Commissioner for Trademarks, Box TTAB, 2900 Crystal Drive, Arlington, VA 22202-3513, on January 6, 2003.

By:

Name: Kimberly Stafholt

Commissioner for Trademarks

Box TTAB

2900 Crystal Drive

Arlington, VA 22202-3513

Dear Commissioner:

We are transmitting herewith the attached:

- ☒ Return postcard.
- ☒ Transmittal Sheet in duplicate containing Certificate Under 37 C.F.R.
- ☒ 30-Day Request for Extension of Time for Filing Notice of Opposition (Original and 2 Copies).

Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate copy of this sheet is enclosed.

By:

Name: Thomas Leach

DWM/TRL/kss

(CONTESTED MATTER)

FEB-28-03

08:14AM FROM-Merchant & Gould 1

6123329081

T-632 P.013/013 F-882

# Merchant & Gould

An Intellectual Property Law Firm

P.O. Box 2910  
Minneapolis, Minnesota  
55402-0910  
TEL 612.332.5300  
FAX 612.332.9081  
www.merchant-gould.com

Direct Contact (612) 336,4665  
tleach@merchant-gould.com

A Professional Corporation

Dennis C. Simmons, D.D.S., P.A. d/b/a,  
BRITE SMILES DENTAL CARE,

Opposer,

) Opposition No. \_\_\_\_\_

v.

BRITESMILE, Inc.

Applicant

Mark: BRITESMILE ASSOCIATED TEETH WHITENING CENTER

Serial No.: 76-086,601

Docket Number: 13910.1USTC

Official Gazette: October 8, 2002, TM 749

Due Date: January 6, 2003

Filing Date: July 11, 2000

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Commissioner for Trademarks, Box TTAB, 2900 Crystal Drive, Arlington, VA 22202-3513, on January 6, 2003.

By: Kimberly Staisholt  
Name: Kimberly Staisholt

Commissioner for Trademarks  
Box TTAB  
2900 Crystal Drive  
Arlington, VA 22202-3513

Dear Commissioner:

We are transmitting herewith the attached:

- ☒ Return postcard.
- ☒ Transmittal Sheet in duplicate containing Certificate Under 37 C.F.R.
- ☒ 30-Day Request for Extension of Time for Filing Notice of Opposition (Original and 2 Copies).

Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate copy of this sheet is enclosed.

By: Thomas Leach  
Name: Thomas Leach  
DWM/TRL/kss

(CONTESTED MATTER)